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**MAR 05 2007**

**OFFICE OF PETITIONS**

In re Application of  
Reitmeier, et al.  
Application No. 09/182,933  
Filed: October 30, 1998  
Attorney Docket No. SAR13070

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: DECISION ON PETITION  
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This is a decision on the petition to revive under  
37 CFR 1.137(b), filed January 8, 2007, which is being treated as  
a petition to withdraw the holding of abandonment under  
37 CFR 1.181.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure  
to timely file an Appeal Brief. The Office mailed a final Office  
action on May 3, 2004. In response, Applicants filed a Notice of  
Appeal on October 6, 2004.<sup>1</sup> Accordingly, Applicants had a two  
month extendable period for reply in which to file an Appeal

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<sup>1</sup> The Notice of Appeal included a request for a one month extension of  
time. However, a two month extension of time would have been necessary to  
make the Notice of Appeal timely (the Notice included a Certificate of Mailing  
dated October 4, 2004 - October 3, 2004 fell on a Sunday. See 37 CFR 1.7(a)).  
As applicants included an authorization to charge any additional fees to their  
deposit account, the \$450 fee for a two month extension of time has now been  
charged to Deposit Account No. 20-0782, as authorized.

Brief. See 37 CFR 41.37(e). Applicants timely filed an Appeal Brief on December 8, 2004 (made timely by including a Certificate of Mailing dated December 6, 2004). However, the Office mailed a Notice of Abandonment on June 20, 2006.

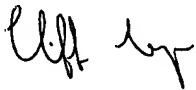
In view of 37 CFR 41.37(e), it is obvious that the Notice of Abandonment was mailed in error.

Accordingly, **the holding of abandonment is withdrawn.**

Given the basis for granting this petition, the \$1,500 petition fee has been refunded to Deposit Account No. 50-1358.

The matter is being forwarded to Group Art Unit 2137 for consideration of the Appeal Brief filed December 8, 2004 (made timely by obtaining a Certificate of Mailing dated December 6, 2004).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo", with a stylized flourish at the end.

Cliff Congo  
Petitions Attorney  
Office of Petitions